

APPENDIX

Signed by Governor
(February 19, 1981)

S.B. 71 Effective immediately
S.B. 143 Effective immediately
H.C.R. 25
H.C.R. 63

TWENTY-FIFTH DAY

(Tuesday, February 24, 1981)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Absent-excused: Short, Truan.

A quorum was announced present.

The Reverend Dr. Gerald Mann, Senate Chaplain, offered the invocation as follows:

Our Father, let us remember that the wages of sin remain the same in spite of inflation and grandfather clauses. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
February 24, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 103, Relating to supplemental appropriations to the Texas Board of Architectural Examiners.

S.C.R. 45, Commending Mr. John W. Crow.

H.B. 511, Relating to appropriations to Sul Ross University.

H.B. 598, Relating to an appropriation to Texas Tech University.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

LEAVES OF ABSENCE

Senator Short was granted leave of absence for today on account of important business on motion of Senator Traeger.

Senator Truan was granted leave of absence for today on account of important business on motion of Senator Doggett.

CO-AUTHOR OF SENATE BILL 685

On motion of Senator Farabee and by unanimous consent, Senator Sarpalius will be shown as Co-author of **S.B. 685**.

CO-AUTHOR OF SENATE BILL 596

On motion of Senator Parker and by unanimous consent, Senator Ogg will be shown as Co-author of **S.B. 596**.

REPORTS OF STANDING COMMITTEES

Senator Harris submitted the following report for the Committee on Economic Development:

S.B. 511

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 358 (Amended)
S.J.R. 13
S.B. 347
S.B. 232 (Amended)
S.B. 533
H.B. 310
S.B. 246
S.B. 247
C.S.S.B. 5 (Read first time)

Senator Brooks submitted the following report for the Committee on Human Resources:

S.C.R. 27

Senator Brown, Acting Chairman, submitted the following report for the Committee on Human Resources:

C.S.S.B. 6 (Read first time)**BILL AND RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.C.R. 45

S.B. 103 (Signed subject to Sec. 49a,
Article III, Constitution
of State of Texas)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 682 by Kothmann Education
Relating to the board of trustees of independent school districts located on military reservations.

S.B. 683 by Farabee Jurisprudence
Relating to the duties and powers of the attorney general.

S.B. 684 by Farabee State Affairs
Relating to the filing of a security instrument by a utility.

S.B. 685 by Farabee, Sarpalius Jurisprudence
Relating to the creation, purpose, and operation of the Texas Department of Juvenile Services.

S.B. 686 by Farabee Jurisprudence
Relating to the criminal prosecution of and civil delinquency proceedings against certain children and adults and to the disposition of certain children in delinquency proceedings.

S.B. 687 by Ogg Intergovernmental Relations
Relating to the compensation of the presiding judge of certain administrative judicial districts.

S.B. 688 by Ogg Finance
Relating to limits on state liability on claims against state officers and employees.

S.B. 689 by Ogg Jurisprudence
Relating to the offense of carrying a firearm in a place where firearms are prohibited.

S.B. 690 by Santiesteban Natural Resources
Relating to a program to demonstrate solar electric repowering.

S.B. 691 by Santiesteban Natural Resources
Relating to a program to demonstrate solar generation of heat for industrial purposes.

- S.B. 692** by Brown State Affairs
Relating to the declaration of candidacy by a write-in candidate.
- S.B. 693** by Brown, Richards State Affairs
Relating to the officially prescribed forms for an application for an absentee ballot to be voted by mail.
- S.B. 694** by Brown State Affairs
Relating to certification of sickness or disability as a condition to voting absentee.
- S.B. 695** by Brown State Affairs
Relating to the elections for which the governor is to issue proclamations.
- S.B. 696** by Brown State Affairs
Relating to the term of office of the person elected governor or lieutenant governor by the legislature.
- S.B. 697** by Brown Jurisprudence
Relating to notification to authorities of another state of the arrest of a fugitive from that state.
- S.B. 698** by Sarpalius Jurisprudence
Relating to the liability of officers for execution of a writ of a court and recovery of certain seized property.
- S.B. 699** by Sarpalius State Affairs
Relating to the time at which the secretary of state, as chief election officer, shall furnish certain blanks and information to county clerks; amending subdivision 2, Section 3, Texas Election Code, as amended (Article 1.03, Vernon's Texas Election Code).
- S.B. 700** by Sarpalius State Affairs
Relating to filing deadlines for write-in candidates for public office; amending Subdivision 2, Section 62b, Texas Election Code, as added (Article 6.06b, Vernon's Texas Election Code).
- S.B. 701** by Sarpalius Intergovernmental Relations
Relating to fees to be collected by county clerks and clerks of county courts for certain services; amending Article 3930(b), Revised Civil Statutes of Texas, 1925, as amended.
- S.B. 702** by Wilson Education
Relating to the sale, exchange, or transfer of one acre of land by the Board of Regents of the Texas A&M University System.
- S.B. 703** by Blake State Affairs
Relating to the authority of local governments to make purchases through the State Purchasing and General Services Commission.
- S.B. 704** by Richards Intergovernmental Relations
Relating to the compensation of the judges of the district courts in Fort Bend County.

S.B. 705 by Traeger Jurisprudence
Relating to the application of the Texas Tort Claims Act to hospital districts.

S.B. 706 by Farabee State Affairs
Relating to the nonpartisan nomination and election of certain judicial officers; providing a penalty.

S.B. 707 by Mengden Jurisprudence
Relating to costs incurred in the defense of certain actions by a state agency and the awarding of such costs by the court.

S.B. 708 by Mengden, Parker Finance
Relating to an exemption from sales and use taxes for certain pollution control property.

S.B. 709 by Wilson, Brown Natural Resources
Relating to a requirement that a person hunting migratory game birds possess a migratory game bird stamp; providing a penalty.

S.B. 710 by Parker Education
Relating to public school contracts that require competitive bidding.

S.B. 711 by Mauzy Jurisprudence
Relating to the requirement that certain contracts relating to real property and certain sales, releases, or assignments of those contracts be recorded with the county clerk, and providing penalties.

S.B. 712 by Mauzy Jurisprudence
Relating to access to the criminal record or history of a client or applicant for services by the Texas Rehabilitation Commission.

S.B. 713 by Brown, Parker, Intergovernmental Relations
Truan, Uribe
Amending Article 6869.1, Vernon's Civil Statutes, Acts 1971, 62nd Leg., p. 1738, ch. 506, by adding new sections, (g) and (h); providing for reserve deputy sheriffs in any county bordering the Gulf of Mexico to be organized for the purposes of Marine Safety and Lifeguard functions and providing further an organization for such purposes may consist of both paid and unpaid deputies and reserve deputies; authorizing the acceptance of funds from foundations, corporations, individuals, and other political entities, including the State of Texas, by appropriation on a direct or matching fund basis; and declaring an emergency.

S.B. 714 by Ogg, Mauzy State Affairs
Relating to regulation of volunteer deputy voter registrars; providing a penalty.

S.B. 715 by Ogg Jurisprudence
Relating to transcriptions in appeals of certain suits in certain counties.

S.B. 716 by Sarpalius Natural Resources
Relating to license fees for persons selling citrus fruits.

S.B. 717 by Mengden Finance
Relating to an exemption from sales and use taxes for certain property used for energy conservation.

S.B. 718 by Travis Intergovernmental Relations
Relating to payroll deductions for county employees for certain charitable contributions.

S.B. 719 by Williams Finance
Relating to property tax exemptions for disabled veterans or their surviving spouses or children.

S.B. 720 by Ogg State Affairs
Relating to manufacturers and distributors of beer; amending Chapter 102, Alcoholic Beverage Code, by adding Subchapter D.

S.B. 721 by McKnight Natural Resources
Relating to the records required of a slaughterer.

S.J.R. 32 by Williams Finance
Proposing a constitutional amendment to increase property tax exemptions for disabled veterans or their surviving spouses or children.

SENATE CONCURRENT RESOLUTION 46

Senator Brooks offered the following resolution:

S.C.R. 46, Commending John McPhaul for his contributions to the Center for Battered Women in Austin.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE RESOLUTION 283

Senator Brooks offered the following resolution:

WHEREAS, Dr. June Hyer, who has been called a pioneer in bringing the academic resources of the state to aid analysis of state governmental problems, died November 29, 1980, and this outstanding woman will be deeply missed by the many people who have grown to respect her judgments and value her leadership over the years; and

WHEREAS, Born in Sutton, West Virginia, Dr. Hyer received a bachelor of science degree, a bachelor of arts degree, and a master of arts degree from Texas State College for Women, which is now Texas Woman's University; she then received her doctorate at The University of Texas. Her postdoctoral work included the following: the Martha Enochs Catching Fellowship from the American Association of University Women in Europe, a Duke Scholar in history at Duke University, and a position at the NDEA Post Doctoral Institute at the University of California at Los Angeles, the Institute for Latin Americanists; and

WHEREAS, Since 1947, Dr. Hyer had been a college teacher, administrator, and legislative committee worker; she taught for 24 years at the University of Houston, and in 1971, she left a position as special assistant to the University of Houston president to become vice-president and dean of faculties at The University of Texas at San Antonio. In 1972, she returned to the University of Houston as chairman of a department and as a professor, and in

1973, she became the founding vice-chancellor and provost of the University of Houston at Clear Lake City; she was also adjunct professor at the Lyndon Baines Johnson School of Public Affairs at The University of Texas; and

WHEREAS, For many years, Dr. Hyer was an extremely well-respected individual within legislative circles, serving on a number of important committees; most recently, she was executive director for the Senate Special Committee on Delivery of Human Services and staff director of the Senate Interim Committee on Welfare Reform. In 1975, Governor Dolph Briscoe named her to the Joint Advisory Committee on Government Operations. During the 1971 legislative session, she was the special assistant to the Senate Finance Committee and to Lieutenant Governor Ben Barnes. She served in 1973 as executive research assistant for Lieutenant Governor Bill Hobby and as parliamentarian of the Texas Senate. During Governor John Connally's administration, she was assistant staff director of the Committee of 25 which studied higher education and led to the formation of the Coordinating Board, Texas College and University System, and she was a member of Leon Jaworski's committee, whose study of public education resulted in the consolidation of many small school districts, and a member of the Governor's Committee on Public School Education; and

WHEREAS, Over the years, this exceptional individual had received a multitude of honors and awards including the Carl Bredt Award from The University of Texas for excellence in public affairs, the 3M Award for Geographic Research, and the John Van Ness Distinguished Alumni Award from Texas Woman's University; she was elected educator of the month by the Texas Public School Administration Council, and she was awarded a membership in the Texas Philosophical Society and received the Scholars and Scientists Award from the University of Houston; and

WHEREAS, In addition to her many other commitments, Dr. Hyer was extremely active in the American Association of University Women, serving as a charter member of the Clear Lake City chapter; she received the AAUW's International Fellowship and won the Women of Achievement Award from the state chapter; the Houston chapter of that organization has established a fellowship in her name; and

WHEREAS, A member of Alpha Chi, Pi Lambda Theta, Kappa Delta Pi, and Phi Kappa Phi, June Hyer was a vital part of her community and educational activities on a statewide level; the Houston Post editorialized that "Perhaps no one has contributed so much to Texas in bringing academic knowledge and disciplines to bear on the problems of government. Dr. Hyer had a direct hand in every major legislative change in education from elementary through university level for the past 15 years in Texas. . . . June Hyer influenced human services for all the people of the state in ways that will be lasting"; now, therefore, be it

RESOLVED, That the Senate of the 67th Legislature of the State of Texas pay tribute to the life and accomplishments of Dr. June Hyer and extend deepest sympathy to members of her family: to her brother-in-law, Richard Curd; to her nephew, Kelly Curd; to her nieces, Lindy Lou Curd and Melissa Haws; and to her cousin, Dr. John Knox; and, be it further

RESOLVED, That copies of this resolution be prepared for members of the family and that when the Texas Senate adjourns this day it do so in memory of Dr. June Hyer.

BROOKS
OGG
FARABEE

The resolution was read.

On motion of Senator Snelson and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

GUESTS PRESENTED

Senator Brooks was recognized and presented Mrs. Helen Farabee, Mrs. Rebecca Canning and a large group of Dr. Hyer's friends seated in the gallery.

Senator Brooks also presented Ms. Sylvia Newman, Ms. Lynn Clymer and Ms. Rema Lou Brown, friends of Dr. Hyer seated on the floor of the Senate.

SENATE RESOLUTION 276 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S.R. 276, Declaring February 25, 1981, as Soviet Jewry Solidarity Day in Texas.

The resolution was read second time and was adopted.

GUEST PRESENTED

The President presented to the Members The Honorable Elspeth Rostow, Dean, LBJ School of Public Affairs. Dean Rostow was welcomed as a guest of the Senate today.

SENATE RESOLUTION 256 ON SECOND READING

The Senate resumed consideration of **S.R. 256** on its second reading with an amendment by Senator Jones pending. (Further consideration was postponed until 11:00 o'clock a.m. today.)

S.R. 256, Relating to procedures pertaining to apportionment to be performed by the 67th Legislature.

Question - Shall the amendment be adopted?

MOTION TO POSTPONE

CONSIDERATION OF SENATE RESOLUTION 256

Senator Mauzy moved to postpone further consideration of **S.R. 256** until 11:30 o'clock a.m., Monday, March 2, 1981.

The motion was lost by the following vote: Yeas 4, Nays 24.

Yeas: Doggett, Mauzy, Mengden, Vale.

Nays: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Williams, Wilson.

Absent-excused: Short, Truan.

SENATE RESOLUTION 256 ON SECOND READING

The Senate resumed consideration of **S.R. 256** on its second reading with an amendment by Senator Jones pending.

Question - Shall the amendment be adopted?

The amendment was adopted by the following vote: Yeas 21, Nays 7.

Yeas: Andujar, Blake, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Doggett, Kothmann, Mauzy, Mengden, Vale, Williams.

Absent-excused: Short, Truan.

The resolution as amended was then adopted by the following vote: Yeas 27, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Mengden.

Absent-excused: Short, Truan.

COMMITTEE OF THE WHOLE SENATE

On motion of Senator Brooks and by unanimous consent, the Senate resolved itself into the Committee of the Whole Senate.

The President appointed Senator Santiesteban to serve as Chairman of the Committee of the Whole Senate.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 11:16 o'clock a.m.

SENATE BILL 297 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 297, Relating to the persons classified as peace officers.

The bill was read second time and was passed to engrossment.

SENATE BILL 297 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 297** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Short, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Short, Truan.

SENATE BILL 118 ON THIRD READING

Senator Harris moved that Senate Rules 12 and 89 be suspended and that **S.B. 118** be taken up for consideration at this time on its third reading and final passage:

S.B. 118, Relating to deductions from state officers' and employees' compensation. (Submitted by Governor as emergency)

The motion prevailed by the following vote: Yeas 19, Nays 9.

Yeas: Andujar, Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Caperton, Doggett, Kothmann, Mauzy, Parker, Santiesteban, Vale, Williams.

Absent-excused: Short, Truan.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 9.

Yeas: Andujar, Blake, Brown, Farabee, Glasgow, Harris, Howard, Jones, Leedom, McKnight, Meier, Mengden, Ogg, Richards, Sarpalius, Snelson, Traeger, Travis, Wilson.

Nays: Brooks, Caperton, Doggett, Kothmann, Mauzy, Parker, Santiesteban, Vale, Williams.

Absent-excused: Short, Truan.

SENATE CONCURRENT RESOLUTION 34 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time:

S.C.R. 34, Granting Asa G. Fuller III permission to sue State.

The resolution was read second time and was adopted.

SENATE BILL 146 ON SECOND READING

On motion of Senator Mengden and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 146, Relating to municipal annexation of territory in a special purpose district.

The bill was read second time and was passed to engrossment.

SENATE BILL 146 ON THIRD READING

Senator Mengden moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 146** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Short, Truan.

The bill was read third time and was passed.

MOTION TO PLACE

COMMITTEE SUBSTITUTE SENATE BILL 396 ON SECOND READING

Senator Meier moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **C.S.S.B. 396** be taken up for consideration at this time:

C.S.S.B. 396, Relating to the practice of certain regulated professions by persons convicted of drug-related offenses. (Submitted by Governor as an emergency)

On motion of Senator Meier and by unanimous consent, the motion to suspend the Regular Order and the Constitutional Rule was withdrawn.

MOTION TO PLACE

COMMITTEE SUBSTITUTE SENATE BILL 97 ON SECOND READING

Senator Traeger asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

C.S.S.B. 97, Relating to the collection of state and local hotel occupancy taxes.

There was objection.

Senator Traeger then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **C.S.S.B. 97** for consideration at this time.

The motion was lost by the following vote: Yeas 21, Nays 7. (Not receiving four-fifths vote of Members)

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Glasgow, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Traeger, Travis, Vale, Williams, Wilson.

Nays: Farabee, Harris, Howard, Jones, Mauzy, Sarpalius, Snelson.

Absent-excused: Short, Truan.

SENATE BILL 301 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 301, Relating to the creation, operation, and dissolution of a sheriff's department civil service system in certain counties.

The bill was read second time and was passed to engrossment.

SENATE BILL 301 ON THIRD READING

Senator Brooks moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 301** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Short, Truan.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Short, Truan.

SENATE BILL 316 ON SECOND READING

On motion of Senator Doggett and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 316, Relating to firemen's pension systems in certain cities.

The bill was read second time and was passed to engrossment.

SENATE BILL 316 ON THIRD READING

Senator Doggett moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 316** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Short, Truan.

The bill was read third time and was passed.

SENATE BILL 530 ON SECOND READING

Senator Jones moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that S.B. 530 be taken up for consideration at this time:

S.B. 530, Relating to collective ratemaking procedures for all commodities and services regulated by the railroad commission.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Doggett, Mauzy.

Absent-excused: Short, Truan.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Doggett and Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 530 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 530 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 2.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Vale, Williams, Wilson.

Nays: Doggett, Mauzy.

Absent-excused: Short, Truan.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 2.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Snelson, Traeger, Travis, Vale, Williams, Wilson.